

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

	X	
	:	
MALIBU MEDIA, LLC,	:	
	:	Case No. 1:19-cv-07189-JGK
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
YI-TING CHEN,	:	
	:	
Defendant.	:	
	X	

**DECLARATION IN SUPPORT OF REQUEST FOR CLERK’S  
CERTIFICATE OF DEFAULT**

I, Kevin T. Conway, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am the attorney for the Plaintiff in this action.
2. A Complaint was filed herein on July 31, 2019 [CM/ECF 1].
3. This is a case for copyright infringement arising under United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).
4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).
5. Plaintiff used proven IP address geolocation technology which has consistently worked in similar cases to ensure that Defendant’s acts of copyright infringement occurred using an Internet Protocol address (“IP address”) traced to a physical address located within this District, and therefore this Court has personal jurisdiction over defendant because (i) Defendant committed

the tortious conduct in this State, (ii) Defendant resides in this State, and/or (iii) Defendant has engaged in substantial and not isolated business activity in this State

6. Indeed, Defendant resides in the State of New York at 350 West 42<sup>nd</sup> Street, Apt. 27G, New York, NY 10036. As such, this Court has personal jurisdiction.

7. On December 15, 2019, Plaintiff filed its Amended Complaint [CM/ECF 14].

8. Service of summons and Amended Complaint were obtained as follows:

<b>Defendant</b>	<b>Date of Service, Type of Service</b>
Yi-Ting Chen	June 25, 2020, Individual Service

9. According to New York Civil Practice Law and Rules §308, service of process on an individual is accomplished by delivering the summons within the state to the person to be served.

10. The Affidavit of Service details that the process server served the Defendant at his usual place of abode by delivering a copy of the summons and amended complaint by the methods described above. [CM/ECF 35]. Thus, service is appropriate.

11. More than twenty-one (21) days have elapsed since the Defendant, Yi-Ting Chen, in this action was served, and the Defendant Yi-Ting Chen has failed to plead or otherwise defend this action as provided by the Federal Rules of Civil Procedure.

12. Defendant, Yi-Ting Chen, on information and belief, is not a minor, incompetent, or on active duty in the U.S. Military.

**DECLARATION**

**PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 24<sup>th</sup> day of July, 2020.

By:

  
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Kevin T. Conway, Esq.